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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,662	12/08/2003	Brent L. Davis	BOC9-2003-0065 (436)	4822
40987	7590	05/19/2010	EXAMINER	
Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401			SKED, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2626	
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sarah.scott@novakdruce.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,662	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> MATTHEW J. SKED	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,7,13 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 13 is/are rejected.
- 7) ☒ Claim(s) 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/16/10 has been entered.

### ***Response to Amendment***

2. Applicant's arguments in view of the amendment filed 02/16/10 have been fully considered but they are not persuasive.

Applicant argues that Knott et al. (U.S. Pat. 7,246,062) does not teach the newly amended subject matter; "if the confidence level is LOW, performing an immediate confirmation step by speech prompting the user to confirm the speech information input until the confidence level of the speech information input is HIGH." The Examiner respectfully disagrees. Knott teaches a speech menu navigation system which determines the recognition confidence level of input speech by the user (col. 2, line 53 to col. 3, line 12). If the confidence level is determined to be low the user is immediately prompted to re-state the utterance (col. 2, line 53 to col. 3, line 12). This step is repeated until a high or medium confidence level is obtained (Fig. 2, element 34). Therefore, the user is continually prompted to re-state the input until the confidence

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level is high as required by the claim. Applicant also specifically argues that Knott does not perform a "confirmation." However, the Examiner interprets "confirmation" to include an act that would validate the user's original input. By repeating the same input and it being accepted by the system with a higher confidence is a validation of the user's original input. Even if the Applicant's use of the term "confirmation" required a verification of a specific system interpretation, Knott teaches this as his "explicit confirmation" step (col. 5, line 41 to col. 6, line 18).

Applicant further argues that Goyal (U.S. Pat Pub. 2003/0189603A1) does not teach performing the batch confirmation step "by speech prompting the user to confirm all speech information input." The Examiner respectfully agrees with this assertion but believes that Knott makes up for this deficiency. Knott teaches an interactive voice response system which provides speech prompts for confirmation (col. 2, lines 31-52). One of ordinary skill in the art would understand the advantages of using speech prompts over a visual display such as interacting with the visually impaired or enabling the application to operate in a telecommunications environment.

Therefore, the new rejection is given below necessitated by amendment.

3. In view of the Examiner's reevaluation of the Goyal, Knott and Chanod (U.S. Pat. 6,393,389) references, the rejection of claims 19-21 is withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. (U.S. Pat Pub. 2003/0189603A1) in view of Knott et al. (U.S. Pat. 7,246,062).

Goyal teaches a method, system and machine-readable storage with a stored computer program for efficiently presenting correction options comprising:

receiving at least one information input (receives input data, [0025]);

processing the at least one information input and determining a confidence score for the at least one information input by a speech recognition device (recognizes the input data and generates a score, [0026] and [0029]);

assigning a high, medium or low confidence level to the at least one information input based on the confidence score (uses the score to determine one of three confidence levels (high, medium or low), [0031]);

if the confidence level is medium or high placing the at least one information input in batch data (all results are displayed together, [0032]); and

performing a batch confirmation step after all information inputs have been received and assigned a confidence level (batch data is presented to be confirmed, [0032 and [0050)).

Goyal does not teach if the confidence level is low, performing an immediate confirmation step by speech prompting the user to confirm the speech information input until the confidence level of the speech information input is HIGH.

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Knott teaches a voice recognition system that determines high, medium or low confidence levels for the recognized speech and if the confidence level is low, the system immediately prompts the user to re-state the utterance and continues to prompt the user until a higher confidence level is achieved (col. 2, line 53 to col. 3, line 12 and col. 3, lines 36-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Goyal so that if the confidence level is low, performing an immediate confirmation step as taught by Knott because a low confidence level means it is more likely the result will need user correction, therefore presenting this information immediately will facilitate the user's use of the system.

Goyal does not teach performing the batch confirmation step by speech prompting the user to confirm all speech information input.

Knott teaches an interactive voice response system which provides speech prompts for confirmation (col. 2, lines 31-52).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Goyal to use speech prompts as taught by Knott because it would enable the application to operate in a telecommunications environment or interact with the visually impaired.

***Allowable Subject Matter***

6. Claims 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: It would not have been obvious to one of ordinary skill in the art at the time of invention to combine the prior art on record to arrive at Applicant's invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. SKED whose telephone number is (571)272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Sked/  
Primary Examiner, Art Unit 2626